

**JANUARY 31, 2006**

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FLOOR DEBATE

January 31, 2006     LB 1188

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK:     Good morning.     Welcome to the George W. Norris Legislative Chamber. Our chaplain of the day is Pastor Betty Jo Marples, Jubilee Church, Omaha, Nebraska; Senator Pam Redfield's district. Pastor, please.

PASTOR MARPLES:     (Prayer offered.)

SENATOR CUDABACK:     Thank you, Pastor Marples, for being with us this morning. They live in the Legislative 12th District. I call the eighteenth day of the Ninety-Ninth Legislature, Second Session, to order. Senators, please record your presence. Record please, Mr. Clerk.

CLERK:     I have a quorum present, Mr. President.

SENATOR CUDABACK:     Are there any corrections for the Journal?

CLERK:     (Read corrections.)     That's all that I have, Mr. President. (Legislative Journal page 503.)

SENATOR CUDABACK:     Thank you, Mr. Clerk.     Are there any messages, reports, or announcements?

CLERK:     Two items: Nebraska Retirement Systems Committee give two separate notice of public hearings, Mr. President. That's all that I have. (Legislative Journal page 503.)

SENATOR CUDABACK:     Thank you. (Doctor of the day introduced.) The next agenda item, motion to withdraw. Mr. Clerk, LB 1188.

CLERK:     Mr. President, Senator Connealy would move to withdraw LB 1188.

SENATOR CUDABACK:     Senator Connealy, to open on your motion.

SENATOR CONNEALY:     Thank you, Mr. President. After introduction of this bill for the Winnebago Tribe, there was discussion between the other tribes, and there was an agreement, so the Winnebago Tribe would ask that we not have a hearing on this

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1188

bill.

SENATOR CUDABACK:    Thank you, Senator Connealy.    Open for discussion.    Senator Chambers.

SENATOR CHAMBERS:    Mr. President, members of the Legislature, I've said it, and I'll say it again, I'm going to take time whenever I have the opportunity. But I'm not going to spend a lot of time on Senator Connealy's bill or his motion to withdraw it, because I'm going to support that. And I will support the withdrawal of any bill by any senator, because not only is that common courtesy and a collegial position to take, it reduces the workload when, for whatever reason, an introducer decides that the best thing to be done with a bill is its withdrawal. But what I want to call your attention to is a handout I gave you this morning. I'm going to stay on the issue of women not being properly treated in this society. I'm going to stay on the issue of black people, brown people, and those who speak a different language, primarily Spanish, not being treated fairly. But this morning, I'll focus on this handout, which is a picture. It came from today's Lincoln Journal, on page 4A. And under the picture is the headline "Jury picked in Enron fraud trial." In the picture, in the foreground, is a large depiction of a woman described as Ken Lay's wife, Linds. I was talking yesterday of how whenever one of these big shot white men gets in trouble, the wife, who has been kicked to the curb, kept in the background, and you don't even know she exists, will suddenly be dragged out and put right up there beside him because he now is charged with a crime. And the comment I wrote was, "Note her resigned, long-suffering expression." It's as if she's saying, oh Lord, here we go again. She is not one of those trophy wives, because she is too old for that. I don't know how old she is, but the reason I say she's too old for that, she's older than 18 or 19. And here's this scoundrel. They depicted him between a cowboy, or a sheriff, or a local cop, rearing back on his horse...I don't know if he's doing that to hold his balance because his midriff seems to be a little heavy, or whether he's trying to get a better view of the cameraman, or because he's trying to show himself to the best advantage when the picture appears. He has on his dark eyeglasses, as these cops wear. The flaps of his shirt are of a

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1188

dark color. And he's got stripes running down the right side of his pants, and it looks like he's wearing Nazi boots, which is appropriate. The poor horse looks long-suffering, too. So here is a man, described as "Enron founder Ken Lay," and this is the caption that accompanies the picture: "Enron founder Ken Lay (left) and his wife, Linda, arrive at the federal courthouse after a lunch break in his trial Monday in Houston. Lay and former Enron CEO Jeff Skilling are facing fraud and conspiracy charges." How many times do you see women in these positions in the first place, but how many times have you ever seen one who happens to have been in a position like that charged with fraud and conspiracy,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...crimes of dishonesty, those that not only hurt the company, defraud investors, but will show that people in those positions of trust cannot be trusted? And you know what people in this society are doing when it comes to Ken Lay and Jeff Skilling? Ho-hum. It's happening so much, it's not even worthy of mention. But let that many women have done the same thing, let that many nonwhite people of any race or ethnicity having done the same thing, and the country would be in an uproar: By God, this is why we can't be having this affirmative action; that's what happens, you get criminals. Well, look at these big shot, white male criminals. Every time I open the business section of the paper, which I read occasionally, I see some CEO charged with some kind of crime, some kind of act of dishonesty, whether it be insider trading, defrauding the company, stealing money,...

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: But you may continue. Your light is on next.

SENATOR CHAMBERS: And this will be the last time I'll speak on Senator Connealy's motion, because there are others which will give me the opportunity today. And this is a session that I'm going to use the way that I want to, because others are using it

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1188

the way they want to. But before I croak literally, before I croak politically, I'm going to leave a legacy that has nothing to do, very much, with things I've done during the preceding 35 years plus days. That's to focus attention on how women are mistreated, try to call women's attention to how they are being abused and mistreated, and the fact that, being a majority, they can exercise political muscle and change this country. You all who are women can take over this country. You don't have to carry a picket sign. You don't have to walk a picket line. All you have to do is register, register and vote. That's all you have to do. You don't even have to comprise the majority in a party. You don't have to start a third party. You be that column, call it the fifth column if you choose, which must be taken notice of, which cannot be taken for granted, which must be accommodated or nothing can be done, and you will see changes. All of a sudden, women will not be dismissed as those whose opinions are not worthy of even entertaining. You will not see women "thingafied." You will not see women projected in terms of body parts. But until women decide to use the power that they and you all, who are women on this floor, have, you're always going to be messed over by some man, devalued, insulted, degraded, and treated worse than somebody's stepchild, in the pejorative use of that term and that expression. And it doesn't have to be. Give these young girls, these young women, an example. Show them the way. Stand on your feet. Don't always be in the prone, missionary position, where you're on the bottom and being the receptacle, always. That's all some women are viewed as, sperm receptacles; used, then cast aside. And for the young women, after these guys have you, they talk about you like you're a tramp, and those are the words they use for women. If a man has a lot of women, he's a Casanova, he's a Don Juan. Even if they call him a wolf, that word carries a certain air of roguish charm and mischief and mystery. But a woman, a girl, is a tramp, a slut, a bitch, a ho, and every other degrading thing that can be used against her. Women need to wake up, stand up, speak up, and vote.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: And you ought to speak for yourselves. You have a voice. You have a brain. You understand things. You

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 548, 1188  
                         LR 279, 280

don't need anybody's permission. As long as you're in this world, you'll be somebody's offspring, because you have a mother and a father. But you're not always somebody's infant or adolescent. You are grown. You have a right to self-determination, and you must assert that right. And you all get ready, because you're going to hear this from me again and again and yet again. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion on the motion to withdraw? Seeing no lights on, Senator Connealy, you're recognized to close on your motion. Senator Connealy waives closing. The question before the body is withdrawal of LB 1188. All in favor of the motion vote aye; all those opposed vote nay. Have you all voted on the question who wish to? Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to withdraw LB 1188.

SENATOR CUDABACK: The motion was successful. LB 1188 is withdrawn.

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Members, while the Legislature is in session and capable of transacting business, I propose to sign and do now sign the following legislative resolutions: LR 279 and LR 280. Thank you.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Next agenda item, members, Final Reading. As you know, members, please take their seats. Thank you. We're on Final Reading. Also, all unauthorized personnel please leave the floor. Mr. Clerk, LB 548.

CLERK: (Read LB 548 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 548 pass? All in favor of the motion vote aye; all those opposed vote nay.

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 548, 588, 693

Have you all voted on the question who care to? Please record, Mr. Clerk.

CLERK:     (Record vote read, Legislative Journal page 504.)  
46 ayes, 0 nays, 3 present and not voting, Mr. President.

SENATOR CUDABACK:    LB 548 passes. We now go to LB 588. According to the rule, the first vote will be to suspend the at-large reading. All in favor of the motion vote aye; all those opposed vote nay. Record please, Mr. Clerk.

CLERK:     39 ayes, 2 nays, Mr. President, to dispense with the at-large reading.

SENATOR CUDABACK:    The at-large reading is dispensed with. Mr. Clerk, please read the title to LB 588.

CLERK:     (Read title of LB 588.)

SENATOR CUDABACK:    All provisions of law relative to procedure having been complied with, the question is, shall LB 588 pass? All in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk.

CLERK:     (Record vote read, Legislative Journal page 505.)  
42 ayes, 5 nays, 2 present and not voting, Mr. President.

SENATOR CUDABACK:    LB 588 passes. We now go to LB 693E. The first vote taken will be to suspend the at-large reading. All members in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk.

CLERK:     41 ayes, 3 nays, Mr. President, to dispense with the at-large reading.

SENATOR CUDABACK:    The at-large reading is dispensed with. Mr. Clerk, please read the title to LB 693E.

CLERK:     (Read title of LB 693.)

SENATOR CUDABACK:    All provisions of law relative to procedure

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 693, 764, 765

having been complied with, the question is, shall LB 693E pass with the emergency clause attached? All in favor vote aye; all opposed vote nay. Record please, Mr. Clerk.

CLERK:     (Record vote read, Legislative Journal page 506.)  
47 ayes, 0 nays, 2 present and not voting, Mr. President.

SENATOR CUDABACK:    LB 693E passes with the emergency clause attached. We now go to LB 764. Mr. Clerk, please.

CLERK:     (Read LB 764 on Final Reading.)

SENATOR CUDABACK:    All provisions of law relative to procedure having been complied with, the question is, shall LB 764 pass? All in favor of the motion vote aye; all those opposed to the motion vote nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK:     (Record vote read, Legislative Journal page 507.)  
47 ayes, 1 nay, 1 present and not voting, Mr. President.

SENATOR CUDABACK:    LB 764 passes. We now go to LB 765, and that has the E clause on it. Mr. Clerk, LB 765E.

CLERK:     (Read LB 765 on Final Reading.)

SENATOR CUDABACK:    All provisions of law relative to procedure having been complied with, the question is, shall LB 765E pass with the emergency clause attached? All in favor of the motion vote aye; all opposed to the motion vote nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK:     (Record vote read, Legislative Journal pages 507-508.)  
48 ayes, 0 nays, 1 present and not voting, Mr. President.

SENATOR CUDABACK:    LB 765E passes with the emergency clause attached. That does complete Final Reading, members. Now the next agenda item, General File, 2006 committee first priority bills. Mr. Clerk. Did you have any items for the record, Mr. Clerk, first?



TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

CLERK: I do not, Mr. President.

SENATOR CUDABACK: Thank you. Mr. Clerk, LB 1003.

CLERK: LB 1003, introduced by Senator Landis. (Read title.) The bill was introduced on January 10, referred to the Revenue Committee. The bill was advanced to General File. I do have Revenue Committee amendments, Mr. President. (AM1935, Legislative Journal page 452.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Landis, to open on LB 1003.

SENATOR LANDIS: Thank you, Senator Cudaback, members of the Legislature. In 2004, we enacted legislation...or, actually, 2003, we enacted legislation that allowed the Governor or the Tax Commissioner to negotiate with our Native American tribes within this state. The purpose was to establish an agreement for the collection and distribution of motor vehicle fuel tax. The idea was to get it at the rate...same as the state tax, and to allow that to be used for buildings and maintaining roads on the reservations, so that this sovereign within our borders would establish a relationship with our Revenue Department for the collection of the taxes, because we're pretty good at that, hold the money, return it to the tribes, and allow that money to be spent for roads and the maintenances of infrastructure on the reservation. In fact, because there is some travel in that area, there is a collection of a rather good deal amount of money. And between October 2004 and September 30, 2005, the state of Nebraska, on behalf of the tribes, collected \$1,600,000 of motor vehicle fuel taxes, and wants to honor our obligations and return that money to the three tribes that have reservations in Nebraska. That's the Winnebago, the Santee, and the Omaha Tribes. This bill is necessary for the purpose of carrying out the function of the bill, to the extent that we need it to make sure the Native Americans residing on the reservation would be subject to the motor vehicle fuel taxes as provided in the motor vehicle agreement between the tribe and the state, because a rather large amount of the taxes collected come from Native Americans who in fact buy gas at the local shops that are there, for which we're collecting this motor vehicle fuel money to turn

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

over to the tribes. That needs to be done because only the tribe can speak on behalf of their citizens, if you will, their folks, and this would allow us to complete that transaction. There is significant money. It's collected by the state, and it's sent to the Indian tribes. By the way, one of the benefits is that in the event you're passing through a reservation or in that area, you will pay the gas tax, and whether you're a member of the tribe or not, your gas tax will go to the tribes for the preservation of their roads system up there. And as you can imagine, a couple of million bucks is a good investment in that infrastructure. To make those agreements work, we need to pass LB 1003, and to carry out the intentions as has been exchanged by the tribes and state government. Testifying at the hearing were Commissioner Mary Jane Egr Edson, and Judi gsiashkibos, who was there on behalf of the Indian Commission. And one of the points that she made was that there is concern that the Ponca Tribe, which does not have a reservation, might one day want to make use of these agreements. And while we didn't hold the bill, it probably would require some other kind of an agreement or understanding than what we now have to make that happen. The committee is open to it, but since we didn't have representatives of the Ponca Tribe to give us the kind of language that we might want to use, it was our intent to leave that day open and respond to how we were going to do that when in fact there wasn't a reservation for the Ponca Tribe that would have a physical location to collect gas taxes--convenience stores, gas stations, or the like. We'll save that issue for another day. This takes care of the Omaha, Santee, and Winnebago Tribes, to the tune of over \$1.5 million from motor vehicle fuels tax, and essentially road maintenance and preservation. I support LB 1003, as does the unanimous Revenue Committee. Thank you, Senator Cudaback.

SENATOR CUDABACK: Thank you, Senator Landis. You've heard the opening on LB 1003. As stated by the Clerk, there are Revenue Committee amendments. Senator Landis, as Chairman of the committee, you're recognized to open on AM1935.

SENATOR LANDIS: Given the nature of the session and the limited opportunities we'd have for floor action, we did use this as an opportunity to collapse a number of what I would fairly regard

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

as technical or nonpolicy changes into LB 1003, from various sources. I think all of these are meant to either make appropriate or modest adjustments in existing policy. Let me give you an example. The Liquor Control Commission allows folks to make...to pay their taxes by e-mail, except...by e-trade, rather, except that there is a requirement that it be done...one of these tax statutes requires that there be an oath or affirmation, which means a notary. Well, nobody else has to notarize their on-line tax payments. As a matter of fact, on-line tax payments speed efficiency, reduce costs. It's good for everybody. Well, in the liquor area, this notary obligation makes no sense, and it keeps us from being able to do on-line payment. So this does away with that. And by the way, the Liquor Control Commission suggested this. The Department of Revenue was supportive because, in fact, our Department of Revenue wants to increase on-line transactions. There is a problem in the constitutionality of the Microenterprise Act that Senator Connealy has cared about, and that is that with respect to estates and trusts, who are allowed credits under the Microenterprise Act, it needs to be...we need to treat nonresident estates and resident estates the same. Without that equal treatment, there would be a constitutional cloud over this very modest part of the Microenterprise Research and Development Act. So we're simply making that a constitutional provision. We are making sure that our Nebraska code, when we refer to the Internal Revenue Code, means the Internal Revenue Code as it exists on March 10, 2004...I'm sorry, on the effective date of this bill, rather than March 10, 2004, because that was the last time we updated this. This was something that Senator Wickersham initiated a number of years ago to make sure that our reference to the Internal Revenue Codes were up-to-date. This bill allows for the oversight that we made, and almost got readjusted last year, but time ran out, to make sure that cooperatives could make use of, as other companies do, of our tax credit programs. Those cooperatives were inadvertently left out of previous bills that have been passed. This modifies the calculation of new investment in the case of leased property. The current amount of investment is the annual rent times eight. The amendment would adopt the same calculation as under the Nebraska Advantage Act, which is the annual rent times the number of years in the lease, not to exceed ten; again, a minor

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

and, as you can tell, essentially balancing amendment, if you will. The Department of Revenue is relieved of their obligation to audit for the compliances of the act when in fact there aren't a sufficient number of qualifiers that allow for distribution of information. The reason is, if there aren't enough qualifiers in a various...in one of those tiers, you would know who they were. It would violate federal and state confidentiality statutes. You have to have a grouping of them so you're not getting a picture of individual taxpayers. And this says, when we don't have enough taxpayers in that, then we don't have to do the audit. Save ourselves time, energy, and administration costs to do so. Corporations that are owned largely by foundations or governmental entities, like pensions funds, could still qualify as taxpayers under the definition of the Nebraska Advantage Act. And Senator Redfield made an adjustment in the amendment that she passed last year to allow for the use of the average by a taxpayer...an investment-only taxpayer to see that they maintained their employment obligations and the number of employees that they had during the life of the project. This allows them to take into account on the averaging basis, so that they can see that the compliance has been on an average, not an annual basis, if you will. New investment, for our definition for that purpose, includes repairs and maintenance of investment property; just, if you will, a better definition. Finally, there is one change that I think is worth talking about that's not technical in the same way. We have three programs that are in the rural development area. They are the Community Development Assistance Act, the Microenterprise Tax Credit Act from Senator Connealy, and the Building Entrepreneurial Communities Grant program from last year, Senator Stuhr. They are all in the area of distressed areas of Nebraska, and they're all essentially rural-oriented programs in which we try to define areas that need special attention from one of those three bills. The Department of Economic Development says, look, what we've got is we've got three bills trying to do much the same thing, but they each have individual definitions. And that means that we have to have three different individual forms, that we go back and forth. If one project has...relates to two different programs, we've got to do two different forms. Couldn't we just have one definition of "distressed area" and apply it to all three programs and

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

simplify our administration? And we took their suggestion. Distressed areas will be on the basis of this data: Unemployment rate that exceeds the state average, per capita income below the state average, or a population loss between the two most recent federal censuses. If we use those definitions for distressed areas, those three programs can have much simpler administration. Those are the amendments in AM1935. I would ask for the adoption of the amendment.

SENATOR CUDABACK: Thank you, Senator Landis. (Visitors introduced.) On with discussion of the Revenue Committee amendments, as presented by Chairman Landis. Senator Schimek, followed by Senator Engel. Senator Schimek.

SENATOR SCHIMEK: Thank you, Mr. President and members. I just have a couple of quick comments and questions of Senator Landis, if I might. First of all, it's my understanding, Senator Landis, that this...the underlying bill on this, LB 1003, actually is in compliance with the agreement drawn between the state of Nebraska and the tribes. And I just want everybody to understand that what this agreement changed was the fact that Native Americans did not have to pay motor fuel taxes on the reservation prior to this agreement, and they now will, but the proceeds, some of the proceeds, will go back to the tribes. Is that correct so far?

SENATOR LANDIS: In fact, the vast majority...

SENATOR CUDABACK: Senator...

SENATOR LANDIS: ...of the money goes back to the tribes. And while that's exactly right, there's one little wrinkle, and that is, also, folks who are not from the reservation but are passing through pay their gas tax,...

SENATOR SCHIMEK: Right.

SENATOR LANDIS: ...and their gas tax will also fit into this pot.

SENATOR SCHIMEK: Oh, okay.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

SENATOR LANDIS:    So it's not simply Native American gas tax paying; it is any person who is driving through the area who stops. And a good deal of that are people who are on that north-south corridor,...

SENATOR SCHIMEK:    Right.

SENATOR LANDIS:    ...passing through and buying gas.

SENATOR SCHIMEK:    And prior to this time, non-Natives had to pay tax on the reservation. But did all of that tax then go to the state prior to this agreement? Prior to this agreement, non-Natives had to pay taxes on the reservation for motor fuels, right?

SENATOR LANDIS:    Yes. But I think that money...that was the administrative nightmare that everybody was trying to get over.

SENATOR SCHIMEK:    Right.

SENATOR LANDIS:    That money would have come to us completely.

SENATOR SCHIMEK:    Right. That's my understanding, too.

SENATOR LANDIS:    But the difficulty was, how do you administer a population in which part of the money would not be collected and part of the money would be collected? Nonresidents would have paid all their money into our state...our regular state coffers that would have built roads everywhere else but there.

SENATOR SCHIMEK:    Right.

SENATOR LANDIS:    And Natives wouldn't pay taxes in that area.

SENATOR SCHIMEK:    So the agreement is good, and we're just putting that into law. Now, one of the things I'm curious about is how much actually goes to the tribes, both in terms of percentage and in terms of actual money to the individual tribes.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

SENATOR LANDIS:    Right.

SENATOR SCHIMEK:    Can you give me a ballpark figure?

SENATOR LANDIS:    Yes, I can.    I did...thank you, because I...with some notice, we were able to run that down.    On a monthly basis, the Winnebago Tribe could expect to collect about \$65,000; the Santee Tribe, about \$27,000; and the Omaha Tribe, about \$41,000.    That means in a month's time, we would collect and disburse about \$133,000 to the tribes, which means that for a year, we're talking at about \$1,600,000, in those relative relationships.

SENATOR SCHIMEK:    And all of that is good, and I think it's a way to work through a dilemma that was confusing.    My only caveat here would be, I don't know how many miles of roads there are in each of...on each of these reservations, and it seems to me that the Santee, because they are more isolated, will be getting less money, and they are the ones that probably need the most help.    But I have no problem with the bill, and really no problem with the agreement.    I just think that that's a one of the things that...

SENATOR CUDABACK:    One minute.

SENATOR SCHIMEK:    ...we need to be cognizant of.    Thank you.

SENATOR CUDABACK:    Thank you, Senator Schimek.    Further discussion on the Revenue Committee amendments?    Senator Engel, followed by Senator Janssen.

SENATOR ENGEL:    Mr. President, members of the body, I just had a question for Senator Landis.    I think part of it has just been answered because of questions Senator Schimek had, but it was the percentage between what the state retains and what the tribes retain.    And I believe you just told me that 75 percent goes to the tribes, 25 percent to...the state keeps, because we have highways going through there and they drive on our highways.    And one thing I know, up and down, that's a very, very busy...that's a very, very busy highway, so a lot of that revenue coming in there is not Native American people using it.



TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

And so as far as...in your statement of intent here, it says, "the tribe and the state in agreed upon proportions," and you know, so as far as that 75-25, I think that might be skewed a little bit in their favor. But that's...so be it, that's the way it is, because we had that discussion a few years ago when this...when the state made this compact with them. So we were part of...Senator Cunningham and I were part of that. And...but the thing is, that's what I wanted to verify, so that everybody knows what they retain and what we get to keep for maintenance of our roads, because most of the driving is, of course, on our highways. So, thank you.

SENATOR CUDABACK:    Senator Landis, would you...was that a question, Senator Engel?    No?    Thank you, Senator Engel. Senator Janssen.

SENATOR JANSSEN:    Thank you, Senator Cudaback, members of the Legislature. There's one portion in the amendment that deals with the oath of affirmation on filing license for the Liquor Control Commission. This is outdated. This is a good amendment that Senator Landis proposed to you. We have a bill similar to that in General Affairs. It has one other subject in it, and that's the old keg registration act. But we will take that out of that bill and...or, the oath of affirmation out of our bill, because it's going to be covered now with Senator Landis' bill. And I appreciate the fact that he took care of that in the bill. That's all I have. Thank you.

SENATOR CUDABACK:    Thank you, Senator Janssen.    Further discussion?    Senator Beutler, followed by Senator Loudon.

SENATOR BEUTLER:    Senator Cudaback, members of the Legislature. Senator Landis, just a couple of questions. First of all, with regard to all of the combined items that are in the Revenue Committee amendment, they all seem to, on their face, make sense. Are we...you may have said, but can you say again, in their totality, are we dealing with a bill that has a significant fiscal impact one way or another, or really that's something we don't need to worry about?

SENATOR LANDIS:    There is no...yeah.



TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

SENATOR BEUTLER: I'd yield to Senator Landis...

SENATOR LANDIS: Thank you.

SENATOR BEUTLER: ...for a response.

SENATOR LANDIS: There isn't a significant fiscal impact. In fact, I don't think any of the other provisions had A bills. I can't recall a fiscal note on any of them. Essentially, they took care of ambiguity and defined more clearly. They were all...they were the kinds of bills you have on the first day of hearing that were all administrative in nature. So I don't recall any financial impact on any of the bills that I know of.

SENATOR BEUTLER: Okay. Second question then, and I didn't think I would come up so quick, so I haven't had a chance to read through here enough, and you may want to pause and look at it, in which case it can be answered later, but I notice on page 19 and thereafter, Section 10, it deals with when an audit needs to be done. And it looks like a five...an audit every five years on all the companies that are affected by this particular provision of law. But it appears to say that that audit doesn't have to take place once the number of companies are, I take it, so small that you couldn't do the audit without revealing confidential information that allows identification of a company. And there were...there are a number of confidentiality provisions already in the law, including a provision that the Tax Commissioner needs to confirm in writing that the report does not reveal any confidential information before it's given out. Can you just describe a little bit how this came up and what the context is, and how many companies are affected, or what's happening?

SENATOR LANDIS: This is part of the expired Invest Nebraska Act that we're doing, so it's not...in fact, I think these provisions exist in our newer laws because we caught this administrative problem. And the administrative problem was this, a statutory obligation to do an audit, but the audit would reveal information that couldn't be shared with anybody because it violated the confidentiality standards, which is sort of a

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

nonsensical result. At least, you would...it would be nonsensical to require the audit to be made, as opposed to at least making it something that was discretionary, so they could choose to do it or not. Now, this Section 10 is part of the expired Invest Nebraska Act, and it relieves the obligation of the Department of Revenue to audit compliance with the provision of this act if there is not a sufficient number of qualifiers to prevent disclosure of confidential information. I think the...if I had to make a guess, you wouldn't find a revelation of the...perhaps, the UP tier, because of the limited number of people who were inside the tier, because to get the information...

SENATOR CUDABACK: One minute.

SENATOR LANDIS: ...public would essentially be to identify confidential information of those taxpayers. You have to essentially be able to join together and mix data so that you're not giving away a clear picture of an individual taxpayer, because that data is confidential. This purpose...how many times has this occurred? I don't remember. I think maybe once or twice at the most, that I could estimate. I didn't hear the Commissioner identify where that had occurred, but she did say that it had occurred and that they were hoping...and they took the conflict of law to be resolved in favor of the nonconfidentiality, and she was trying to get rid of the conflict of law that exists.

SENATOR BEUTLER: Okay. I have one follow-up question on that, and I think I'll need to wait until my next opportunity. Thank you, Senator Landis.

SENATOR CUDABACK: Time, Senator. Thank you, Senator Beutler. Further discussion? Senator Loudon.

SENATOR LOUDON: Thank you, Mr. President and members of the body. I guess the question I have is, as I remember correctly, I think it's the Winnebago have a wholesale gas business up there. And as far as I know, they distribute gas into other Indian nations, down into Kansas, because that was where the problem was at one time. And so I was wondering if I could ask

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

probably, perhaps, Senator Connealy or someone that's familiar with that, if this would have any impact on the business that they do in their wholesale gas business. So may I ask Senator Connealy a question, please, Mr. President?

SENATOR CUDABACK: Senator Connealy, would you yield?

SENATOR CONNEALY: Yes, Mr. President. Yes, Senator Louden, the Winnebago Tribe, through Ho-Chunk industries, does have a wholesale gas business. They not only distribute on their own reservation, which I think that they own both the gas retail operations that are in existence on the Winnebago Reservation, and then they also distribute to other tribes around the country and, I think, into convenience stores that they own off tribal reservation. What this agreement had done is it picked about the 75 percent level of taxing because that's a kind of the population of those areas where the gasoline was. That's how the Governor determined that percentage. But what it also did for Thurston County, it dramatically increased the money coming into the state of Nebraska, because there were Native American retail stores who were not charging taxes to their Native clients, but also to the nontribal members. And so people were coming from all over eastern Nebraska to go to the tribal reservation and buy their gas without taxes. And this stopped that two years ago, and thus, it hasn't disrupted gasoline stations off-site there, off the reservation, in Decatur or in Homer, in places like that, that were charging taxes and the tribal stations were not, and so they were drying up those businesses.

SENATOR LOUDEN: Yeah. Now, then therefore, this wouldn't have any impact whatsoever on their wholesale gas business going to other places? They wouldn't have to be paying any state tax or anything on that?

SENATOR CONNEALY: No, they pay the taxes that are relative to whoever they're distributing to. The facilities here in Lincoln, I think there was one, in other places around the state that are not on tribal ground, I think are just distributed just like any other gas distributor. They pay the taxes that are needed...that are subject to that retail purchase.

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

SENATOR LOUDEN: Okay. Thank you, Senator Connealy. With that, I certainly would support this bill. I think we always...whenever some of the Native American tribes are in businesses for themselves, why, I certainly do what I can to help promote that. And as long as it doesn't impact anything that they're doing, why, I'd certainly support this bill. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Louden. (Visitors introduced.) On with discussion of LB 1003 and the committee amendments to it. Senator Beutler. Is Senator Beutler on the floor? Senator...

SENATOR BEUTLER: Senator Landis, here's my last question, relating back to that provision that says, in certain instances where confidentiality would be revealed, the report...the audit does not have to be done. My question is, might there be a twofold benefit of still having the audit done, notwithstanding the fact that other language precludes it from being revealed, for two reasons? One, the Department of Revenue knows what the audit says, I assume. And maybe I'm wrong on that, but I assume they do, because they're the ones that are supposed to be enforcing the law. And two, should a question ever arise, the Performance Audit Committee of the Legislature would be able to look at that audit.

SENATOR CUDABACK: Senator Landis.

SENATOR LANDIS: Arguably, however, the...I think there's a significant downside at this point, in this provision. Let me tell you what the provision says. It says, in the UP tier, which is now closed and unavailable and cannot get to a place where we will have public disclosure, because there are nine or fewer and you've got to aggregate ten or more to make it public. It's now a closed class. Everything in the closed class and the operation of the Department of Revenue and how they've conducted themselves and the recipients has been audited twice already. The audit that's done is done by one section of the Department of Revenue of another section of the Department of Revenue's performance, and then isn't revealed to anybody. It's all

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 1003

in-house. Nobody can learn it. It's been done twice for a closed class for which there is no future operation. Under those circumstances, I side with the Department of Revenue. Is there arguably some place four or five years out where you'd go back to provisions which have been audited a couple of times and do it? Yes, I suppose so. But I just...since we're looking backwards to a closed class that's been audited twice, I think the provision makes some sense.

SENATOR BEUTLER: Okay. Let me reflect that. Thank you. That helps a lot. Senator Cudaback, I'd yield the remainder of my time.

SENATOR CUDABACK: Thank you, Senator Beutler. Further discussion, Revenue Committee amendments? Senator Landis, there are no further lights on. You're recognized to close on AM1935.

SENATOR LANDIS: Thank you. As you can see by the discussion on the floor, this is essentially technical in nature. It doesn't have fiscal impact, but it does essentially achieve some administrative efficiencies. We merge definitions for easier administration. We define methodologies and formulas so the administrators have clearer instructions from us. We remove what I think are some dated sections. We update to the Federal Internal Revenue Code. And for those many small, modest administrative gains, I urge the adoption of AM1935.

SENATOR CUDABACK: Thank you, Senator Landis. You've heard the closing on the committee amendments offered by the Revenue Committee. All in favor of adoption of the committee amendments to LB 1003 vote aye; all those opposed vote nay. The question before the body is adoption of the committee amendments offered by the Revenue Committee to LB 1003. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 37 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SENATOR CUDABACK: Committee amendments have been adopted.

CLERK: I have nothing further on the bill, Mr. President.

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14, 548, 588, 693, 764, 765, 1003

SENATOR CUDABACK: Thank you, Mr. Clerk. Back to discussion of advancement of LB 1003. Open for discussion. Open for discussion. Senator Landis, there are no lights on. You're recognized to close on advancement of LB 1003.

SENATOR LANDIS: Thank you, Senator Cudaback, members of the Legislature. Senator Beutler asked me if there was money in the bill, essentially, and there is. There's \$1,600,000, and it goes to Native American tribes, their reservations and their infrastructure. And it's a significant clearer, neater administrative package that ultimately benefits the tribes and the state of Nebraska by making our motor vehicle fuels tax easier to administer and distribute for its ultimate purposes of keeping roads good in Nebraska. I ask for the advancement of LB 1003.

SENATOR CUDABACK: You've heard the closing on LB 1003. The question before the body is, shall LB 1003 advance to E & R Initial? All in favor vote aye; opposed, nay. We're voting on the advancement of LB 1003. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB 1003.

SENATOR CUDABACK: LB 1003 advances.

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Members, while the Legislature is in session and capable of transacting business, I propose to sign and do now sign the following legislative bills: LB 548, LB 588, LB 693, LB 764, and LB 765. Thank you.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Next agenda item, General File, LB 14. Mr. Clerk, please.

CLERK: LB 14, introduced by Senator Landia, introduced on

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

January 6 of last year. (Read title.) The bill was introduced in January, as I indicated, referred to the Urban Affairs Committee. The bill was advanced to General File. I do have Urban Affairs Committee amendments, Mr. President. (AM0135, Legislative Journal page 382, First Session, 2005.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Landis, to open on LB 14.

SENATOR LANDIS: Don't worry, it's not the other natural gas bill. This one is the simple little administrative one, okay? Three little things in this--Senator Friend and I introduced this bill together: one is to correct a term; one is to raise the cap for...that the PSC can take from investor-owned utilities for administration; and lastly, it extends the time frame at the end of the quarter to allow the issuing of quarterly assessments. Currently, the PSC is given 15 days; this gives them 30 days to do that quarterly assessment. Secondly, it raises from .6 percent to 1 percent for a jurisdictional utility of their gross operating revenue, less gas cost, derived from intrastate natural gas utility business for the purpose of funding the regulation of the PSC, meaning the investigatory process in a rate analysis case. We've gone through a rate case. Our existing standard worked in that case, but it was a negotiated solution and didn't press the PSC to the sum total of their investigative expenses. Remember that we not only do the PSC's, but we also do the public advocate's money as well. In the event they were to have more than one rate case a year, they predict that the existing cap would not succeed and allow them to do their business. It is possible that there could be more than one rate case, given the fact that there's more than one natural gas company in the state, so the PSC asks us to raise from .6 to 1 percent the cap on their assessment practices. The industry has no objection. I would ask for the advancement of the bill. The committee did ask for the emergency clause. Good idea. I think Senator Friend will take care of that, and I will support him in the addition of the emergency clause.

SENATOR CUDABACK: As stated by the Clerk, there are committee amendments offered by the Urban Affairs Committee. Senator

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006 LB 14

Friend, you're recognized to open.

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. As Senator Landis mentioned, very simple, the committee sent this out to the floor with...pardon me, pardon me, unanimously, 7-0, but we did add an emergency clause. The amendments would add the emergency clause to permit the legislation to take effect prior to the start of the next fiscal year, July 1, so that the revised fee collection authority granted by the bill could be exercised in the new budget year. So if there are any questions in regard to this, be happy to answer them. Short of that, I would ask for the adoption of the committee amendments and advancement of LB 14. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Friend. You've heard the opening on the Urban Affairs Committee amendment, AM0135. Open for discussion. Senator Chambers.

SENATOR CHAMBERS: Mr. President, I'd like to ask Senator Friend a question or two...

SENATOR CUDABACK: Senator Friend, would you...

SENATOR CHAMBERS: ...on the committee amendment. Senator Friend, you...what did you say the committee amendment will do?

SENATOR CUDABACK: Senator Friend.

SENATOR FRIEND: It would change the revised fee collection authority. It would actually move it to July 1. It moves it up.

SENATOR CHAMBERS: That's what the committee amendment does?

SENATOR FRIEND: Yes.

SENATOR CHAMBERS: And does it...is there an amendment that adds the emergency clause?

SENATOR FRIEND: This is it.



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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

SENATOR CHAMBERS: So the committee amendment does both of those things? I may not be up-to-date with you, because I have in my hand what is called a committee amendment, and it doesn't have the same thing you have. So let me look at the gadget. On the gadget, I see amendment to LB 14, and it says, "Add the following new section." And on a written piece of paper, a piece of paper with writing that I got from the Bill Room, it says, standing committee amendment, and that is numbered AM0135, just as the one on the gadget is numbered. And the only thing I see on the gadget and on this piece of paper are the following words. "Add the following new section: Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law." So is there another amendment that changes the date? And I'm just trying...

SENATOR FRIEND: No, I'm sorry. I'm sorry, Senator Chambers, no. What that...I just...July 1 would be, to me, the date that it would start. So it actually doesn't say it in the amendment, but that's my assumption, that that would be the date. Wouldn't that be correct?

SENATOR CHAMBERS: Well, what I want to find out, without...

SENATOR FRIEND: That it would take effect.

SENATOR CHAMBERS: ...challenging that, the only thing that the committee amendment itself does is to add the emergency clause, and once that is added and the bill would take effect immediately, then the dates listed in the bill are the ones that would determine when certain things take place.

SENATOR FRIEND: Well, that...I stand corrected. That would be true, because that's exactly what the amendment does. It just adds the emergency clause. I tried to elaborate probably where I shouldn't have.

SENATOR CHAMBERS: No, all I'm doing, Senator Friend, not trying to correct you, although that might be what happened, I was interested in this bill for another reason, and the only thing I saw the committee amendment doing was adding the emergency

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

clause. So in case it had been replaced, that's what I wanted to find out. So you have made it clear now, and that's all I have as far as the committee amendment. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion, Urban Affairs Committee amendment? Senator Friend, there are no lights on. The Chair recognizes you to close. Senator Friend waives closing. The question before the body is adoption of AM0135, offered by the Urban Affairs Committee to LB 14. All in favor vote aye; all opposed vote nay. The question before the body is adoption of the Urban Affairs Committee amendment. Have you all voted on the amendment who care to? Please record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SENATOR CUDABACK: The committee amendment has been adopted.

CLERK: I have nothing further on the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Discussion of advancement of LB 14 itself? Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I would like to ask Senator Friend another question or two, if I may.

SENATOR CUDABACK: Senator Friend, would you yield?

SENATOR FRIEND: Yes.

SENATOR CHAMBERS: Senator Friend, I see on the committee statement that Senator Landis' name and yours appear as coinroducers.

SENATOR FRIEND: Pretty strange, huh?

SENATOR CHAMBERS: Well, I'm not going to characterize it. But that is correct, right?

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

SENATOR FRIEND:    That's correct.

SENATOR CHAMBERS:    Okay.    So you believe in this bill?

SENATOR FRIEND:    Yes, I do.

SENATOR CHAMBERS:    Was it heard by your committee?

SENATOR FRIEND:    Yes, it was.

SENATOR CHAMBERS:    Did you read the bill?

SENATOR FRIEND:    Yes, I did.

SENATOR CHAMBERS:    Every word of it?

SENATOR FRIEND:    Yes.

SENATOR CHAMBERS:    And you are satisfied with the form it's in?

SENATOR FRIEND:    Well, I don't...I've read a lot of bills, and I don't know that I'm satisfied with...I've voted for bills that I'm not satisfied with the entire thing.    So the answer to your question is, I'm satisfied to the point that I think it's the right thing to do.

SENATOR CHAMBERS:    Senator Friend, you...have you read every word of this bill?

SENATOR FRIEND:    Yes.

SENATOR CHAMBERS:    And are you satisfied that it's in the form it ought to be in?

SENATOR FRIEND:    Well,...

SENATOR CHAMBERS:    If you are, you are.    If you (inaudible)...

SENATOR FRIEND:    I've got people around telling me how to answer that.    No, the answer is yes.

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006 LB 14

SENATOR CHAMBERS: How were they telling you, you should have answered?

SENATOR FRIEND: Well, it happens all the time.

SENATOR CHAMBERS: That's what they told you to say, it happens all the time?

SENATOR FRIEND: I've got people saying no, and I've got people saying yes.

SENATOR CHAMBERS: All right.

SENATOR FRIEND: I know that it's in the form that I believe it should be in.

SENATOR CHAMBERS: Okay. And I stand to be educated, Senator Friend. Would you turn to page 5 of the green copy?

SENATOR FRIEND: I don't think I have the same copy as you, but I'll...tell me where you're looking and...

SENATOR CHAMBERS: Which copy do you have, because (inaudible)...

SENATOR FRIEND: Well, I just printed this off, so.

SENATOR CHAMBERS: Okay.

SENATOR FRIEND: The most...okay.

SENATOR CHAMBERS: Well, look at page 5 of what you have. And is the first word in the upper left-hand corner of the page 5 that you have "anticipated"?

SENATOR FRIEND: Correct.

SENATOR CHAMBERS: Okay. Would you look at line 20, as I read: "This subsection terminates on June 30, 2005." What year is this?

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

SENATOR FRIEND:    2006.

SENATOR CHAMBERS:    2006...what was last year?

SENATOR FRIEND:    Look, I'm still signing checks with 2005 on it, so if there's a...

SENATOR CHAMBERS:    Well, let me ask you a question. Sometimes when I address bills that nobody has any interest in, it seems as though I'm just wasting time. You voted to advance some Revisor bills this session, and you voted in favor of the final passage of those Revisor bills, didn't you? Didn't you?

SENATOR FRIEND:    Yes.

SENATOR CHAMBERS:    One of them I voted against, because it changed some dates. The dates had already been passed, so they were stricken, but I voted against those date changes because I'm a sentimentalist on occasion, and as I pointed out on General File, a song that I like, I think the title is, "It Was a Very Good Year," and some people were 17 during those years that were being stricken from the statute, and my sentimentality would not allow me to vote to do that. Well, if we voted in a bill to strike that language because the years had already passed, why did your committee, why do you--I won't ask you to speak for Senator Landis--want to retain a subsection which expired in June of last year?

SENATOR FRIEND:    Well, I'm not sure that we would want to retain it. But that isn't...that was not of the utmost concern to me, because I wasn't...

SENATOR CUDABACK:    One minute.

SENATOR FRIEND:    ...I...because I wasn't sure that we needed to change it. This was not new language, Senator. So I guess I assumed that there...and I probably shouldn't have assumed, but I guess I assumed that there was a pertinent reason for having that date in there. And I could certainly check with you, Senator Landis, and others to try to figure out if that's

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

something that should have been revised, and then I think we can make that...the appropriate revision. But the point is, this is not new language, and I didn't know that I wanted to necessarily dabble into changing something that might be necessary for folks to make a determination as to what the bill does.

SENATOR CHAMBERS:    Senator Friend, on the other side of the world is a place called Abu Dhabi. So I could dub you the one who does not want to "Abu Dabble" with existing language? Do you feel that language...

SENATOR CUDABACK:    Time, Senator Chambers.

SENATOR CHAMBERS:    ...which already...excuse me?

SENATOR CUDABACK:    I said time, Senator.

SENATOR CHAMBERS:    Thank you, Mr. President.

SENATOR CUDABACK:    You're welcome. Mr. Clerk, motion.

CLERK:    Mr. President, Senator Chambers would move to amend the bill. (FA376, Legislative Journal page 509.)

SENATOR CUDABACK:    Senator Chambers, you're recognized to open on your amendment to LB 14.

SENATOR CHAMBERS:    Thank you, Mr. President. Members of the Legislature, I do dabble with existing language, and I'm going to take time on bills when there's a reason to do so. Senator Landis had a very good bill which I did not comment on or about, because there was no need for me to say anything. As a matter of fact, it's one of the better bills that Senator Landis has brought. I will not say it's the best bill, because he's brought some excellent bills which did not even clear committee, which demonstrates the fact that the quality of a bill does not always determine whether or not it will get out here. But back to this particular bill before us, my amendment would strike subsection (6) on page 5, because I do not believe it is needed any longer. The reason I don't believe it's needed any longer is because the language contained in the subsection itself tells

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

me that it has expired, as far as having any value. The words that tell me that are found in lines 20 and 21 on page 5: "This subsection," meaning subsection (6), which is the subject of my amendment, "terminates on June 30, 2005." I'd like to renew my discussion with Senator Friend. He has had a discussion with counsel.

SENATOR CUDABACK:    Senator Friend, would you yield to a question, please?

SENATOR FRIEND:    Absolutely.

SENATOR CHAMBERS:    Senator Friend, have you had a chance to consult with your co-conspirator...I mean your coponsor?

SENATOR FRIEND:    I absolutely have, and I...

SENATOR CHAMBERS:    And...go on.

SENATOR FRIEND:    ...think we're all on the same page, possibly.

SENATOR CHAMBERS:    I know you and your coponsor are, because you agreed to sign the bill.

SENATOR FRIEND:    Right.

SENATOR CHAMBERS:    But are you and I on the same page?

SENATOR FRIEND:    I...

SENATOR CHAMBERS:    That, Senator Friend, is the question.

SENATOR FRIEND:    Sometimes not, but I think in this situation we may be.

SENATOR CHAMBERS:    You think we may be, or you know that we are?

SENATOR FRIEND:    Let's continue this discussion, and then that will determine how confident I am in what kind of page that I'm on.

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

SENATOR CHAMBERS:    Senator Friend, this is not a matter of competency, because competency deals with something far deeper than what I'm talking about here. I'm not suggesting that you're not competent. You put that into it, and you're making the discussion deeper than I want to make it. This has to do with, perhaps, an oversight which anybody can be involved in.

SENATOR FRIEND:    I think it was an oversight, only because we kicked this bill out last year, and then in my last two readings of this bill this year, my personal feeling was, I didn't know that that was appropriate to change. But based on our discussion, I know that it is.

SENATOR CHAMBERS:    And now has come enlightenment. Senator Friend, thank you. You've been very helpful, and I knew you would see it the way that I've mentioned it, because you are competent. But anybody can overlook things. That's all I will ask you. Members of the Legislature, I'm going to make my pitch again. I'm not on the committee, I'm not on this bill, but you all make me read your bills, and I see things which stimulate my law-making bone. And I have to try to bring improvements in the laws on the books when things come to my attention, and I believe that an improvement can be made. It doesn't take nearly as much time as I am taking to arrive at the point where we have, which is that Senator Friend and anybody else who would read this language would know that since the date has passed for this particular subsection to have any validity, therefore it should be stricken. But it's also clear that I intend to take time and do it my way, and my way is the slow way. I'm going to demonstrate what it means to not operate with a fast hand, but rather a slow hand, one who doesn't come and go in a heat and a rush, but will give time where time is needed to allow certain things to sink in. There are other bills that are coming before us which I will not have the time to read word for word, but there's another bill that I'm working on. In the olden days I was not here, and obviously nobody with my disposition was here either. So I'm going to take the time to try to rewrite some of the existing language in the statutes, and I still may be pushing for a job when I'm not here anymore, and that job would entail my starting with word one on page 1 of Volume 1 of the Nebraska Revised Statutes and just read. And I won't go crazy.



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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

And for those who think I'm crazy now, I will not go sane. I will remain what I am, whatever that is. And right now, I think it's appropriate for me to quote that famous, although fictitious, philosopher Popeye, who said, I am what I am, and that's all that I am. And I will remain what I am. But somebody other than the Bill Drafter needs to go through these statutes and make corrections and get rid of surplusage, bunglesome language, provide punctuation, so that when a person reads these words, he or she can understand what is being presented. These laws are important! You all might go see a movie called The Ten Commandments and get all choked up when this guy playing Moses--and he's with the NRA, so I know Senator Jeanne Combs loves him, the one who said, I will not give up this rifle until you pry it from my cold, dead hands. I don't know if he's dead yet, graveyard dead, but in other ways he probably is. And his wife had a lot of problems with him and said so publicly. But anyway, he was playing Moses, a man with long white hair, a long flowing beard, and he was the one whose door would be knocked on, and they would say (knocking), long beard, long beard, let me come in. And he would say, not by the hair of my chinny chin chin. And he had a lot of it. I'm going to take my time, so we may as well make it pleasant. So when this bolt of lightning or whatever it was came down and hit that stone, then something was engraved in the stone and throughout the theater, everybody oohed and aahed. Well, brothers and sisters, I want to tell you here today, if you don't know it, the laws you are enacting are far more consequential, of far greater significance than anything that was written on a stone struck by lightning, if that ever happened. You can take those writings, wherever you find them, and rip them to shreds, and nothing results from that, because they have no binding force on anybody. The coercive power of no state will be brought to bear on any person who decides to ignore all of that quaint,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...obsolete language. But these laws that I'm talking about that we are making--I'm going to fill a role that Senator Landis might feel much better than I on a stage--these laws, oh, these laws, we're talking about something entirely different. They affect all of the people in this

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

state.    The coercive power of the state is behind these pronouncements, and they will punish, one way or the other, take people's property, take people's freedom, if a person violates. So we ought to proceed with care and caution as we make laws, and that's what I'm going to do. Thank you, Mr. President.

SENATOR CUDABACK: (Microphone malfunction)...Senator Chambers. Your light is next, Senator, if you wish to continue.

SENATOR CHAMBERS: Yes, I do.

SENATOR CUDABACK: You may do so.

SENATOR CHAMBERS: Nobody compels any of us to offer a bill. If we offer it, we ought to respect what we're doing enough to read it, to understand it, and if we misread or miss something through inadvertence, we might should go back and consider it again, so that we can show, by the way we handle the raw material of our job, that it is something that involves dignity, responsibility, authority, and setting an example. But if we don't respect what we do, why should anybody else? You know why they can joke about the Legislature? They can read what legislators have put on the statute books or in the statute books. In the olden days people could get into this body, and they can still do it today, who could not read! So bills had to be read aloud so that they would know what is in those bills. I presume that everybody on this floor can read, and when I say read, I don't mean just let your eyes pass over the words, but there is a comprehension of what those words are conveying. This is not my Legislature. I read your history, and it is a slap in the face to me all the time, because I read what you all said this country should be about. I read what you all say making laws is about. You all set the standard; you all make the rules, and you don't care. You defile your constitution. You don't even read what you get the others to vote for, and I cannot find the time to read every page of every bill that comes before us. I should not even be the one talking like this, and I shouldn't be offering amendments. I should be just standing here ridiculing and mocking and taunting and laughing, and showing how incompetent the master race is. Oh, and I read those books that tell me how superior you are and how inferior I

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

and everybody of my complexion is. You all may not have read of, and certainly not the book itself, called The Bell Curve. My people confront on a regular basis assertions of our purported inferiority. Well, if I'm inferior, what does that say about the rest of you all? You should wish that every white person in this country were as inferior as I am portrayed as being. And if I am lower on the evolutionary ladder than white people, the only conclusion that I can draw is that the higher you proceed up those rungs, the more you retrograde. I don't start wars.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: I don't create atomic bombs. I don't invade other people's country and slaughter civilians. So what I intend to do is what I'm doing here. You know what was put on my desk this morning? An envelope, and in the return address area it says, State of Nebraska, Legislative Accounting and Budgeting. It's a paycheck. I am going to earn what I'm paid. As I've said before, and we all know it to be true for each one of us, I'm not paid very much, but I am paid for what I do. My job description does not include what I'm doing. My job description doesn't include anything.

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: Senator Landis, on the Chambers amendment, FA376.

SENATOR LANDIS: Senator Cudaback, members of the Legislature, the language that Senator Chambers is striking is superfluous, irrelevant. It's past its time of operation. It can be excised at no impact, and it's...and he's doing away with language that no longer is needed or has effect, and if that satisfies Senator Chambers' interest in deleting superfluous language, I would support him. I'll be voting green on FA376.

SENATOR CUDABACK: Thank you, Senator Landis. Senator Chambers. This will be your third time, as you know.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

SENATOR CHAMBERS:    Thank you, Mr. President.    Members of the Legislature, Senator Landis can, on occasion, be such a gentleman, and such a facilitator of the process, that I hate to see him go under any circumstances, but certainly under the circumstances that will take him away from here.    There are others I don't want to see go, either.    In the streets there is an expression, it's passe now, as quiet as it's kept.    That will be used to introduce a statement.    Well, as quiet as it's kept, I have no interest in or concern about how any of you persuade enough people in your district to send you here.    I say again and again, if people want to send a mule skinner here to represent them, they can do that.    That's what representative democracy is about.    People determine what is in their best interests as far as representation, and it's not for me or anybody who is not of that constituency to dictate whom they shall send here.    In other words, I don't approve of term limits.    But back to what I'm doing to earn my money and do my job, you all did a job on me three times.    You voted cloture for Senator Burling's bill, a bill I didn't like, and you're showing me, by God, you'll put me in my place on bills I don't like.    You voted cloture on Senator Foley's bill, to treat a zygote as though it's a full-fledged human being, and some woman wrote in the "Public Pulse" criticizing me--I always have these things brought to my attention--saying I should go back and take Biology 101, because she had seen pictures of fetuses, and they in fact have hands, arms, legs, a head, and so forth.    I didn't take the time to tell her that an amendment that I had offered, and had it reconsidered, which said the bill would come into effect only when a fetus had reached such development, and the amendment was rejected.    She didn't know that.    She thinks, in her naivete, that the senators here are not so simpleminded that they would pass a bill that talks about serious bodily injury, when there is nothing present that even she who supports the bill would call a body.    She didn't talk about a zygote, she didn't talk about an embryo; she talked about the pictures she had seen of fetuses with hands, arms, and legs.    You see how ignorant the public is, and how they overestimate the intelligence of the members of this Legislature?    You all voted cloture because you support that bad bill, so you put me in my place again.    Senator Jeanne Combs' bill...I call her ABC, Annie

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

Belle Calamity--Annie Oakley, Belle Starr, Calamity Jane. And she knows that. Senator Combs and I have a very good working relationship, a very good understanding of each other. But on that NRA bill that she brought and persuaded you all to go along with is a blind spot for her. So I have to save the Legislature from itself. But if I cannot do that, I'm going to make it as hard as possible for the Legislature to self-destruct.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: Senator Aguilar and I have disagreed on an issue every now and then, but if in the middle of our hottest disagreement he became emotionally wrought-up and felt that he's going to lose the day and he drew a sword and was going to do as every, as they tell us in literature should be done, self-respecting warrior would do, which is to fall on his sword, Senator Aguilar, I would do like that angel did when old Abraham, crazy man that he was, was going to stab his son Isaac as a sacrifice. The angel came and grabbed his hand: Fool, what are you doing? And wouldn't let him kill his son. And Abraham said, but I got to kill somebody, and the angel said, Jehovah Jireh, the Lord will provide. If you look in the bushes, fool, you will see a ram that is caught. If you must kill,...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...kill the ram, not your son. I would stop Senator Aguilar from falling on his sword. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion? There are no lights on. Senator Chambers, you're recognized to close on FA376.

SENATOR CHAMBERS: Thank you, Mr. President. I am enjoying myself so much this morning, it must be a sin. And if there are Puritans anywhere, they are having conniptions. Puritans were people, as it has been said, who are miserable at the thought that somebody, somewhere, might be enjoying himself or herself. That's what a Puritan is. So if there are any Puritans, I want

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006 LB 14

them to know that I'm enjoying myself so much that they ought to have a stroke, or however Puritans react. But I intend to do what I am doing. Senator Landis agrees with this amendment, Senator Friend agrees with it, and I knew that once I'd called it to their attention, they would agree with it. None of us wants surplusage in the statute. There are some who think that a certain 1891 law is surplusage, because it allows to come into being a set of circumstances they wish were not here. Surplusage, as Senator Landis and I and Senator Friend would use that term, means unnecessary, useless, no purpose. It's there, encumbering space and does nothing, except encumber space. I have not really had a chance to address in detail a bill that some of you have brought, but if you have a bill on here, I'm going to try not to ignore you, and I'm going to try to give you as much attention as I've given everybody else, so you won't go out of here and have your constituents say, you must not be very important, Senator Chambers just let your little old bill go and didn't even talk about it. And I don't want that to happen. I want your constituents to realize that I came after your bill, too; that you have spoiled my day. You made me read your bill, you made me do some work, and they'll like that, and they'll praise you for it. But other than the budget, what bill do we really have to pass in order to do our job as a Legislature? Do we have to mess with taxes? No. Do we have to let people run around here carrying guns? No. And on that score, if I already told you this, then it bears repeating, because I'm going to repeat it again, when...if we get to Senator Combs' bill. And if we don't, then I'm going to repeat it anyway. There was a fellow who had not committed any crimes, and he had a gun. He'd been in the military. He had been in wars in Iraq, the first...Iraq war one, and probably Iraq war two, under both of the Bushes. And there was a fellow on the street, sitting in his car, in Arnold, and this upstanding, law-abiding, Christian American, exercising his right to have a gun, didn't like the fact that this fellow was being too noisy and not showing respect. So this law-abiding American who, because he'd had military training, would not have been required to take the training under Senator Combs' bill or Senator Stuhr's security guard bill, because they can show the equivalent training, he put the gun in the car. Then as these guns do, it went off and he killed a man. And when he went to trial,...

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14

SENATOR CUDABACK:    One minute.

SENATOR CHAMBERS:    ...the trooper who was testifying said, he said it was an accident. So here we have it. The first crime committed by this law-abiding, "Christian" American in outstate Nebraska, which is where I think Arnold is, killed a man. That was his first crime with a gun. He had been trained, had been in the military. So I'm going to do all I can to make sure that none of those bad bills pass. We don't have to pass any of those; we don't have to pass any others. But some have passed already, in fact, this morning, so the session is not a complete bust. You can vote for this amendment or not vote for it, but it's before you. It's delivered into your hands. Do what you will. And if it's a bitter pill,...

SENATOR CUDABACK:    Time, Senator Chambers.

SENATOR CHAMBERS:    ...swallow it. I shall not. Mr. President, I will ask for a call of the house.

SENATOR CUDABACK:    There's been a request for a call of the house. All in favor of the house going under call vote aye; those opposed vote nay. Voting on the request for a call of the house. Record please, Mr. Clerk.

CLERK:    16 ayes, 1 nay, Mr. President, to place the house under call.

SENATOR CUDABACK:    The house is under call. All authorized personnel please leave the floor. Unexcused senators report to the Chamber. The house is under call. The house is under call. All unexcused senators please report to the Chamber. Senator Dwite Pedersen, Senator Cunningham, Senator Brown, Senator Schimek, Senator Stuhr. Senator Stuthman, Senator Preister. Senator Brown, the house is under call. Senator Brown, the house is under call. All members are present or accounted for. The question before the body is adoption of FA376 to LB 14. All in favor vote aye; all opposed vote nay. Have you all voted on the question who care to? Record please, Mr. Clerk.



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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 14, 75

CLERK: 46 ayes, 0 nays, Mr. President, on adoption of Senator Chambers' amendment.

SENATOR CUDABACK: The Chambers amendment, FA376, has been adopted. Anything further on the bill, Mr. Clerk? I do raise the call.

CLERK: I have nothing further on the bill at this time, Mr. President.

SENATOR CUDABACK: Thank you. Discussion on advancement of LB 14? Anyone wishing to address LB 14? Seeing none, Senator Landis, you're recognized to close.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature. This is essentially administrative in nature. It is agreed to by the industry that's regulated and the PSC. It allows us to make sure we would have the resources to do rate...two rate cases in a year, if we needed to do so. I would ask for the advancement of LB 14.

SENATOR CUDABACK: You've heard the closing on LB 14. The question before the body is, shall LB 14 advance to E & R Initial? All in favor vote aye; opposed vote nay. The question before the body is advancement of LB 14. Have you all voted on the question who care to? Please record, Mr. Clerk.

CLERK: 43 ayes, 0 nays, Mr. President, on the advancement of LB 14.

SENATOR CUDABACK: LB 14 does advance to E & R Initial. We now go to the next agenda item, LB 75. Mr. Clerk, please.

CLERK: LB 75, introduced by Senator Beutler. (Read title.) The bill was introduced on January 6 of last year, at that time referred to the Urban Affairs Committee. The bill was advanced to General File. I do have committee amendments. (AM0022, Legislative Journal page 382, First Session, 2005.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Beutler, to open on LB 75.



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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I hope I can capture your attention for a couple of minutes, because I want to describe to you a bit of an unusual procedure, but one that will probably not be very unusual by the end of this session. And I want to tell you why I want to ask your indulgence with regard to that procedure, and to do that, I really need to give you a longer explanation than what I would prefer. But LB 75 obviously is my bill. It is a bill that I've been working with the city of Lincoln on. It's a far-reaching bill. It came out of committee with only one disaenting vote, but it is, nonetheless, far-reaching and it involves several groups who are oppoaed to the bill. The city of Lincoln at the same time has other things that it would like to get done that are important to its well-being, and one of those bills has to do with an institution that we've recently created in this town called the Community Health Endowment of Lincoln. And that Health Endowment, by virtue of being related to the city of Lincoln, is severely restricted in terms of the types of investments it can make. And so what is more important to the city of Lincoln than to...than LB 75, which involves local improvement districts and a broader authorization to cities from us to do local improvement assessment districts, what's more important than that, which is in LB 75, is getting this Health Endowment to the point that it can invest and earn like other nonprofits because, frankly, stating it conservatively, it's worth another million to two million dollara a year to all those nonprofits and health organizations in Lincoln who benefit from this Health Endowment Fund. The question...what they would like to see is authority for...ultimately, authority for that Health Endowment to invest as all other nonprofits and long-term endowments do. So in order to do that, this bill has committee amendments and Senator Landis has proposed an amendment to the committee amendments, which would basically take the substance of LB 75 out of it and put the substance of another bill into it. And in order to do that in a way that's right and correct, there is a motion to suspend the rules and allow that to happen, and when we get to that motion, I would invite from you all the questions you can possibly raise about what I'm doing, if you have any questions. The material that we want to put into LB 75 also came out of committee without opposition. It had no

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

opponents during the committee hearing. Subsequent to the committee hearing, just within the last week or two, the Bankers Association took an interest in it and asked us to narrow its focus. We worked with Bob Hallstrom and the bankers. The focus was narrowed. They are satisfied. So the material that we want to put in has absolutely no opposition, to the best of my knowledge, or to the best of the knowledge of anyone who's been working with us on this bill. Having said that, it makes no sense to go into LB 75 itself and explain to you the intricacies of that particular bill, and I hope that you will allow us to take up the Landis amendment and see what you think about it, and if it appears to be okay to you, to allow us to put it into the bill. And with that, I would stop. Senator Friend does have committee amendments. The Landis amendment will be an amendment to the committee amendments. I wish to thank Senator Friend for his just total cooperation in trying to work through things and work things out in a way that is helpful to the city of Lincoln, and which can be helpful, as we will come to explain it, to any community that's interested in establishing or happens to get money that can be put into an endowment fund and used for community purposes. And I hope we can have a good discussion on that. Thank you, Senator Cudaback.

SENATOR CUDABACK: (Microphone malfunction)...Senator Beutler. There are committee amendments, as stated. Senator Friend, Chairman of the Urban Affairs Committee, you're recognized to open on AM0022.

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. As mentioned, Senator Beutler laid out the situation here, albeit a little bit of a convoluted one, we've been through it before. The bottom line is that this set of committee amendments is a cleanup of the original LB 75, but Senator Landis' amendment to the committee amendments cleans it up, according to the negotiation and the discussion in regard to the way this bill needed to look. So if there are any questions, I'm sure one of us would be happy to field it. Senator Beutler has worked diligently on this bill for...this effort and this initiative for, boy, it seems like years now. The bottom line, I would ask to move through the committee amendments, work Senator Landis' initiative into the puzzle, and

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

we can move with some alacrity. That's all I have. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Friend. You opened on AM0022. Open for discussion. Mr. Clerk, please.

CLERK: Senator Landis, I had an amendment to the committee amendments, but I understand you want to withdraw that, Senator.

SENATOR CUDABACK: It is withdrawn.

CLERK: That's all I have to the committee amendments, Mr. President. Oh, excuse me. Senator Beutler, you want to treat yours as an amendment to the committee amendments, Senator? That's the way you drafted it, I guess.

SENATOR CUDABACK: Senator Beutler.

SENATOR BEUTLER: There should be a Landis amendment. Are we talking about...

CLERK: We're talking about AM2042.

SENATOR BEUTLER: AM2042 is a Landis amendment, but I think that in fairness to the body, we wanted to take up a motion to suspend the rules so that we could consider that as an amendment to the committee amendment, if that's the appropriate way to do it, Mr. Clerk.

CLERK: Mr. President, Senators Landis and Beutler would move to amend the committee amendments with AM2042. Pursuant to that offer, Senator Beutler would move to suspend Rule 7, Section 3(d), to permit consideration of AM2042.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Beutler, to open on your motion to suspend the germaneness rule.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, we could have just argued this and argued that it was germane and gone about it in the normal way. But in all fairness, it's not germane; it's a new and different proposition, and we want

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

to strenuously advocate for it, because it's such an important dollar item for our Health Endowment Fund. But in order to do that properly, we really need to suspend the rules; that is, the rule relating to germaneness, primarily. So in order to get to the material that we would like to talk to you about, we would ask your approval of the suspensions of the rule. Then we can consider the Landis amendment. If you like it, fine; if you don't like it, fine. That's the way we operate. So with that, I would simply ask for the suspension of the rules.

SENATOR CUDABACK: The germaneness rule is debatable. Open for discussion on the motion by Senator Beutler. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I had been doing a lot of work on the original form of LB 75, so I haven't had a chance to examine what we're doing here, and I think, whatever it turns out to be, the body needs to understand what might be authorized. In just scanning it, I cannot say that I favor it or that I'm opposed to it. But there's a good deal of material here, and as the discussion proceeds, I will have a chance to read it and form an opinion. I will take this opportunity, though, as I've taken it on other occasions on other bills, to point out that I'm the one, along with Senator Foley--for whatever motivations he had--who voted against the rules that the body decided to adopt. And you know why I voted against adoption of those rules? Because there are parts of them that I don't like. But I always stay within the rules, and I always mention that my colleagues, who in the past used to change rules to try to stop me, are the ones who have to suspend the rules. And there are rules in the Rule Book now, notably the cloture rule, passed to stop me. And I stay within any and every rule that is in that book. I even do a better job being a nonreligious person than that "Chrishian" preacher who was here, who violated the agreement that he entered into. He wouldn't follow the rules, because he's a preacher and he doesn't have to. But here I, the reprobate, follow and adhere to all of the rules that are in that book, even though I vote against adopting them, because I say I'll learn the rules and beat you at your game, whatever they are. I don't know whether I'll vote to suspend the rules or not. There might be times when that needs to be done, in order that very important business needs to be

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

transacted. I've got to ask Senator Beutler a question,...

SENATOR CUDABACK: Senator Beutler,...

SENATOR CHAMBERS: ...if he will respond.

SENATOR CUDABACK: Senator Beutler, would you respond to a question of Senator Chambers?

SENATOR BEUTLER: Sure.

SENATOR CHAMBERS: Senator Beutler, must this be done this early in the session on this specific bill?

SENATOR BEUTLER: Senator, there's a good chance...I mean, obviously, no one knows for sure how things will proceed this session, and certainly no one is able to predict you, Senator, and certainly you make a big difference on how things proceed. The fact of the matter is, this is one of those in-between bills, and what I mean by that is that it's not momentous enough to...for anybody to attach a priority to it. On the other hand, it's not inconsequential. It wouldn't be on a consent calendar, and it's one of those medium-sized things that in this body, unfortunately, too often is lost for a good period of time. This amendment is...I wouldn't be doing this if I wasn't terribly worried that it wouldn't get up.

SENATOR CHAMBERS: And this bill is for the purpose of protecting and benefiting such investment, it says on page 2. So this constitutional amendment is related to...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...a particular public endowment, the investment of these funds in certain ways and for certain purposes. Is that generally what the bill...what this would do, or what it relates to?

SENATOR BEUTLER: Senator, I think that's correct. Can I go on just a bit?

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75  
                         LR 18

SENATOR CHAMBERS:    Sure.

SENATOR BEUTLER:    It's a constitutional amendment, and it is not a self-executing constitutional amendment. It is a constitutional amendment that says the Legislature may then authorize, and it has to do with investments in permanent endowment funds, just endowment funds. And what would happen is, if the people approve of this prudent investor language, then it would come back to the Legislature. And as you know, for bank trustees, for example, we've put into place a set of statutes that tell what the responsibilities are of trustees of people's money. For nonprofits we've done a whole other section of statutes. Senator Landia, has done some of this,...

SENATOR CUDABACK:    Time, Senator Chambers.

SENATOR BEUTLER:    ...and he's been very helpful.

SENATOR CUDABACK:    On with discussion. Senator Friend, followed by Senator Loudon, Chambers, and Beutler. Senator Friend.

SENATOR FRIEND:    Thank you, Mr. President and members of the Legislature. I think it's important to note, it is a, obviously an important operating procedure, when you go through to suspend germaneness rules. But I wanted the body to understand that this original proposal, which comes in the form of LR 18CA, obviously did have a thorough public hearing and came out of committee, I believe, 5 to 1; 5, 1, and 1, something of that nature. The bottom line is, that was as the amended version. So that was with the committee amendments associated with it. To me, what this is, is an...a pace of play and an order of play. All Senator Beutler is doing, the way I see it, is saying, look, this thing is out in General File; it's important, it's important to my constituents, it's important to your constituents, and in some instances it could be important for the state in a lot of ways. And I think it's a pace of play and an order of play. It's in General File; seems to be, with the ensuing amendments associated with it, a pretty logical thing to do. Now we just have to decide whether it's appropriate to address it at this time. I believe it is. If you believe it is, as well, we can move forward with this, like I said, with

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

maybe some sense of alacrity; possibly not, but hopefully.  
Thank you, Mr. President.

SENATOR CUDABACK:    Thank you, Senator Friend.    On with discussion, the suspension of the germaneness rule.    Senator Louden.

SENATOR LOUDEN:    Thank you, Mr. President and members of the body.    I'd like to ask Senator Beutler some questions, if he would yield, please.

SENATOR CUDABACK:    Senator Beutler, would you yield to a question?

SENATOR BEUTLER:    Sure.

SENATOR LOUDEN:    Senator Beutler, on...do you have to have any suspend the rules for this amendment AM0022?    Isn't that all has to do with the original LB 75, as part of it?    There would be no need to suspend the rules for those...for that amendment, is that correct?

SENATOR BEUTLER:    For?

SENATOR LOUDEN:    For the amendment AM0022.

SENATOR BEUTLER:    That's right, Senator.

SENATOR LOUDEN:    Yeah.    What you need the rules suspended for, then, I presume, is this AM2042?

SENATOR BEUTLER:    Exactly.    Exactly.

SENATOR LOUDEN:    Yeah.    Now as I look through that thing, there's a whole bunch of stuff that's underlined as you go through there, and I presume that's all new language.    Now when you read the very last part, the Section 2, the constitutional amendment to authorize investments and that sort of thing, is that in statute already, or is this something that the bill would be putting into statutes and asking for a constitutional amendment to be voted on in the fall election?



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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

SENATOR BEUTLER:    No, actually, Senator, it would work in a reverse process, if I understood you correctly.    If you pass AM2042, which is, I think, the amendment you're talking about, what will be the Landis amendment, and if the people of the state then subsequently get the question and vote for it, this language as you see it on AM2042 will go into the constitution. But that doesn't resolve the matter. Somebody who's in my place or somebody else who comes in here is going to have to have a bill that will then set out, probably not just one statute, but probably several statutes, because as we've done this for other investment sectors--bank trustees and nonprofit corporations, 501(c)3s--as we've set out their investment parameters, so too we would set out investment parameters for these endowed funds that are related to cities, schools, whatever.

SENATOR LOUDEN:    Okay. On the Landis amendment as you call it, AM2042, on...in Section 2 there, there's from line 7 through 13 now, is that in the...is this what you're trying to bring forward, or is that in the constitution now?

SENATOR BEUTLER:    It's...

SENATOR LOUDEN:    We've never voted on...for a constitutional amendment as...such as that, have we?

SENATOR BEUTLER:    Right. We have not, and we would be...and what we're asking this body to do is to put this language on the ballot, so that the people could vote for it this November.

SENATOR LOUDEN:    Yes. In other words, this is what the germaneness is all about, is actually line 7 through 13. The rest of it is all irrelevant. Am I correct in my assumption that way?

SENATOR BEUTLER:    It...I'm not...it's not clear to me exactly how you're conceptualizing it, but the new language on page 1 of that amendment is also nongermane to LB 75 arguably, Senator, and so it's really the entire amendment that we need to ask your indulgence to...



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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

SENATOR LOUDEN:    Um-hum.

SENATOR BEUTLER:    ...suspend the rules on.

SENATOR LOUDEN:    Yeah, and then as I see it here on the page 1 there, on your lines, investment of public funds of cities, villages, school districts, public power districts, and so on and so forth, at the present time, some of these...

SENATOR CUDABACK:    One minute.

SENATOR LOUDEN:    ...entities already have the authority to invest those funds in certain things, which is usually CDs or something fairly safe. Does this open the door up so that they can more or less look and choose to where they want to invest these funds?

SENATOR BEUTLER:    It is not going to open the door up for--I don't even know how to put a percentage in it--for 98 percent of the funds that are out there. What...and this was the subject of the negotiation with the bankers and Bob Hallstrom. They didn't think it was wise to open up, any wider than currently exists, restrictions that exist on cities and other political subdivisions, with regard to their general investments. Most of those general investments, of course, are needed in the short term, as money turns over, revenues come in, expenditures are made on an annual basis.

SENATOR CUDABACK:    Time, Senator.

SENATOR BEUTLER:    This money is churning.

SENATOR LOUDEN:    Thank you.

SENATOR CUDABACK:    Thank you, Senator Louden.    On with discussion.    Senator Chambers.

SENATOR CHAMBERS:    Mr. President, members of the Legislature, what is disturbing to me about this is the fact that we won't be here when people start trying to exploit this language. There are groups watching right now who want to make use of this type

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006 LB 75

of language, but rather than go off into those kinds of discussions right now, I want to deal with the language itself and try to get an understanding. So I'll ask Senator Beutler a question or two.

SENATOR CUDABACK: Senator Beutler, would you yield to a question?

SENATOR BEUTLER: Okay.

SENATOR CHAMBERS: Senator Beutler, my concept of investment is not spending, or granting money, but sending forth money with the anticipation it will come back with some interest, if possible, and certainly return at least the amount that I sent out there. What is your meaning of the term "investment," as used in this amendment that you're proposing?

SENATOR BEUTLER: Senator, as far as the word "investment" is concerned, or the concept of investment is concerned, I mean, I may not have listened to your definition closely, but I think we're on the same track. It's the use of idle funds for the purpose of gaining interest on those funds and not allowing them to sit idle, but in our capitalist system, participating in the whole system of providing money to people to invest in things, and in return for providing that money, you're paid some interest.

SENATOR CHAMBERS: So you're envisioning that this money will be invested in profit-making enterprises. Is that true?

SENATOR BEUTLER: That's true. Can I go on?

SENATOR CHAMBERS: Yes, that's why I was pausing, because I thought...

SENATOR BEUTLER: Okay, I don't want to take your time, but I...

SENATOR CHAMBERS: ...you might want to elaborate.

SENATOR BEUTLER: ...but...

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

SENATOR CHAMBERS:    No, go ahead.

SENATOR BEUTLER:    ...I want to be sure you understand what is a key and large limitation on this, and it is in the word "endowment," Senator, on line 16. What we're trying to do with that is to distinguish almost all of the funds that cities and these other political subdivisions deal with, distinguish them all and not include them in the parameters of the bill, but to include in the parameters of the bill only those things that are endowment funds. Now an endowment fund of a public entity is a rare thing. The endowment fund that we're concerned about I think is the only one the city of Lincoln has, and it came about because Lincoln General Hospital was a city hospital, and the decision was made to sell it, and a lot of money was obtained by virtue of that sale. They then turned around and through the mechanism of city ordinances and city council approval, put all of that money into what they call the Lincoln Health...the Community Health Endowment of Lincoln, I think, is the way it's termed. And each year, none of that principal is used, ever, and that's the nature of an endowment--the principal is never used, and the interest they take, and even at the low rate of return that they have, at 4 percent, affords the community, you know, roughly \$8 million of help...

SENATOR CUDABACK:    One minute.

SENATOR BEUTLER:    ...to nonprofit groups here and there, who take care of shelters for women and just all sorts of things that I know you would believe to be good things. And so only with this type of rare animal, which should be treated more like a nonprofit foundation and should have investment returns like a nonprofit foundation because the money is not needed at any particular point in time. What they're interested in is the long haul, the long-term return on investment. And, Senator, if you look at the charts I passed out to you and, well, you don't even have to look at them. You know in the long term that if your portfolio contains a portion of common stocks, that that's going to improve your...

SENATOR CUDABACK:    Senator Beutler, we're now on your time.

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

SENATOR BEUTLER: ...long-term return, and that's what's going to maximize the benefit for your community on that sort of thing. The...it may be that in other communities around the state, from time to time, somebody is going to pass away, for example, give a large amount of money to this or that municipality or school district. And if they give it to the public entity itself, as opposed to giving it to a foundation that helps that public entity, if they do it that way, and may do it that way for a variety of reasons--maybe they trust the city more than they trust whatever the available foundation is; maybe they like the personalities better--they get a tax deduction in either case. They may choose to give it directly to the public entity and if they do that, the problem is this horrible interest rate penalty that applies, that wouldn't apply if they had given it to a foundation and used the money for the very same uses. So it's an effort to address this very, very narrow area of endowed funds, which almost no public entities have, but if they do, the argument that we would like to make is that they should be treated as long-term investors, and treated a little bit differently, and a different set of rules is what really makes sense.

SENATOR CHAMBERS: So...

SENATOR BEUTLER: And with that, Senator, we're on my time, so I yield to you my time.

SENATOR CHAMBERS: And let's keep...if you'll keep on your feet so we can discuss it, then.

SENATOR BEUTLER: Okay.

SENATOR CHAMBERS: You are not talking in this amendment, if I understand you, and I may be mistaken...well, let me say it a different way.

SENATOR BEUTLER: Okay.

SENATOR CHAMBERS: What this would do is allow this public endowment money to be invested in a way different from what is allowed under the constitution, because of that language which

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

precedes the new language that you're adding.    Is that correct?

SENATOR BEUTLER: I think that's absolutely right. We're trying to make one narrow exception to the overall rules that exist, for this particular category.

SENATOR CHAMBERS: Well, a constitutional amendment is not bound by what statutes are bound by, in the sense of a closed class. And I know there has to be equal protection and so forth, but why would we mention all of these other entities--school districts, public power districts, and other governmental or political subdivisions? Why are they included, when there is no problem of the kind you're addressing confronting them?

SENATOR BEUTLER: Elaborate a little bit, Senator, on your...on the latter part of your statement, indicating that there's no problem confronting them. If it would be possible, for example,...

SENATOR CHAMBERS: Well, here's what I'm saying.

SENATOR BEUTLER: I don't know of a...okay.

SENATOR CHAMBERS: Had Lincoln and that hospital situation not arisen, this proposed constitutional amendment would not be before us. Only because of Lincoln's circumstances is it before us; isn't that true?

SENATOR BEUTLER: Senator, in a practical sense, that's true, as these sorts of things are so often true. In a legal sense, though, it doesn't apply just to cities, and it doesn't apply just to Lincoln. It would apply to any public endowment fund.

SENATOR CHAMBERS: Why should public power districts be included? Do they get endowment money?

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: It's hard for me to imagine that they would, but I think the language of the current law, if you read up in lines 10 and 11, is very broad. And so we didn't...we don't

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006 LB 75

intend to depart from that at all. We don't want to create more than...we don't want to create any issues.

SENATOR CHAMBERS: But, Senator Beutler, that language in lines 10, et. seq., constitute a prohibition on all of these entities.

SENATOR BEUTLER: Right.

SENATOR CHAMBERS: You now are opening it up so that that prohibition, when it comes to endowment funds, will not apply to any of them.

SENATOR BEUTLER: That's right.

SENATOR CHAMBERS: Well, I...

SENATOR BEUTLER: So for the narrow area of endowment funds, we're making an exception, whether it's for a city or for a school district,...

SENATOR CUDABACK: Time, Senator Beutler.

SENATOR BEUTLER: ...or for any of the things that were described up above as a subdivision of the state.

SENATOR CUDABACK: Thank you, Senator Beutler. On with discussion of the motion to suspend the germaneness rules. Senator Flood.

SENATOR FLOOD: Thank you, Mr. President and members. I rise in support of suspending the germaneness rule, because I think there's a lot of value in AM2042 by Senator Beutler. And if he would be willing to yield to a few questions, I guess, for purposes of the record, I'd like to ask a few questions regarding the endowment funds that you speak of.

SENATOR CUDABACK: Senator Beutler, would you yield?

SENATOR BEUTLER: Sure.

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

SENATOR FLOOD:    Specifically, Senator Beutler, when we're talking about an endowment fund, you mentioned before during the discussion that this comprises maybe, you know, less than 2 percent of the public monies held by political subdivisions in this state. What is an example of an endowment, so we get a better understanding?

SENATOR BEUTLER: Well, I think that probably I would just give you the standard accounting definition of endowment. It means something of value that's accepted with stipulations that, one, until the occurrence of the event or, two, the income earned, that the principal will remain intact in perpetuity,...

SENATOR FLOOD:    And I guess I have...

SENATOR BEUTLER:    ...for a specific period or until the occurrence of a specified event.

SENATOR FLOOD:    And I guess I asked that question, Senator Beutler, and I appreciate your response, because I want to make sure for the record that this does not touch a retirement account that a political subdivision owns for the purpose of paying out dividend...not dividend, retirement benefits to employees that are now retired. And I want to make sure that's not your intention.

SENATOR BEUTLER:    Absolutely it would not affect that, and any language you want to be sure it doesn't is fine, but I think the language will serve that purpose. But just parenthetically, I would note that the state retirement funds also has a more liberal definition than is here for cities and counties and all political subdivisions, because those retirement...on the theory that those retirement funds are one large fund, and it's an ongoing, long-term kind of thing. But neither the state retirement nor any retirement system whatsoever would be affected by this amendment.

SENATOR FLOOD:    Well, thank you, Senator Beutler. I guess my last question, and I'll be brief: What recourse do the citizens have against a political subdivision, its officers, you know, investment officer if a) the prudent investor rule is violated,

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

or b) you know, the investment officer failed to act as a fiduciary with the people's money? What recourse do the citizens have back against the political subdivision and its officers?

SENATOR BEUTLER: Well, as you know, we have to put statutes in place, so that may be affected. That may affect what recourse would exist. But generally speaking, there would always be the recourse of an injunction against investing in certain types of things. In other words, there's recourse to the court system, almost always in these kinds of cases.

SENATOR FLOOD: Would the political subdivision, then, be responsible for replenishing the endowment, if in fact the prudent investor rule was violated by the...by that political subdivision? And I'll give you an example. We have \$100 million endowment. The investment officer violates the prudent investor rule, does...and somebody files a lawsuit alleging that the prudent investor rule was violated. Does the political subdivision have the responsibility, then, to replenish the endowment?

SENATOR BEUTLER: Senator, let me look into that question for you, because I want to be careful that I answer that right, and I'm not sure altogether...

SENATOR FLOOD: Sure. Well, I guess...

SENATOR BEUTLER: ...what the total answer to that is.

SENATOR FLOOD: I fully support what you're attempting...

SENATOR CUDABACK: One minute.

SENATOR FLOOD: ...to do here. I think it's important for the record that we make sure that certain safeguards are set forth...

SENATOR BEUTLER: Absolutely.

SENATOR FLOOD: ...in the discussion, and more specifically,



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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

that this does not envision the...a retirement account, you know, for a citizen that's given a lot of service to a subdivision. Thank you.

SENATOR CUDABACK: Thank you, Senator Flood. On with discussion. Senator Schimek, followed by Senator Chambers.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members of the body. I rise in support of the motion to suspend the germaneness rule and in support of the amendment. I think that this would be something that would be of great benefit, I know to Lincoln, and possibly some other communities with endowment funds. Senator Beutler, I do want to ask one question, and I think that if your response is, yes, we should do something with it, then maybe you or I could offer an amendment on Select File. But in looking over the proposed ballot language, I'm suspecting that something was left out here, and it reads, a constitutional amendment to authorize the investment of the public funds of cities, villages, et cetera. Should that not have said public endowment funds?

SENATOR CUDABACK: Senator Beutler?

SENATOR BEUTLER: You're absolutely correct, and we were told the Bill Drafter would do that with E & R, if it moved on.

SENATOR SCHIMEK: Oh, okay. Okay.

SENATOR BEUTLER: But that's very...you're reading it...

SENATOR SCHIMEK: Well, I don't want the public to have the same kind...

SENATOR BEUTLER: ...you're reading it very carefully. That's very good.

SENATOR SCHIMEK: ...of questions that we're having here on the floor this morning.

SENATOR BEUTLER: Yeah.

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

SENATOR SCHIMEK: So I'm fully supportive. I think it's good public policy, and I just wanted to call that to the body's attention.

SENATOR BEUTLER: Yeah, and by the way, this amendment, a lot of work was done on this by Senator Landis. Actually, Senator Landis was one of the...was the only negative vote, if I remember, in committee. He had some of the same concerns that you all are asking about, and the language that really helps us out is, to a certain extent, his; in fact, I think, totally his language. And so I would invite you to ask him about that language, too, because he's done a good piece of work for us, and it's really...he's the one that should be asked about those particular aspects.

SENATOR SCHIMEK: And you're right, Senator Beutler, and I did already have a conversation off the mike with Senator Landis, and I think he's agreeable to that, as well.

SENATOR BEUTLER: Okay.

SENATOR SCHIMEK: And if you would like, I would give you the rest of my time. I probably have some time left. Thank you.

SENATOR CUDABACK: Thank you, Senator...did you wish to have her time, Senator Beutler? No. Senator Chambers.

SENATOR BEUTLER: That's fine, unless Senator Chambers has questions and we can pick up on the dialogue again.

SENATOR CUDABACK: Senator Chambers, your light is next.

SENATOR BEUTLER: I have a feeling we didn't quite finish it, and now I can't remember what we were talking about, though.

SENATOR CHAMBERS: I remember. Senator Beutler, when we're talking about the investment of the endowment funds...

SENATOR BEUTLER: Yeah.

SENATOR CHAMBERS: ...right now that fund is not sitting totally

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006 LB 75

idle, is it, because you said that certain interest is coming and can be expended, or did you say it can only sit idle and no income is being realized from it? I'm talking about the Lincoln situation now.

SENATOR BEUTLER: No, it's being invested at a very low rate of return.

SENATOR CHAMBERS: And what you're talking about doing is addressed, not to how that interest income is spent or disposed of, but the principal of the fund itself. You're talking about the...

SENATOR BEUTLER: Yes.

SENATOR CHAMBERS: ...endowment itself.

SENATOR BEUTLER: Yes.

SENATOR CHAMBERS: So if the money were to be invested in stocks or bonds and the market fell, then the fund could be, if not completely depleted, weakened or diminished substantially. Isn't that true?

SENATOR BEUTLER: Senator, that's true, and to the greater extent that you have common stocks as part of your mix, the more true that would be. But I think one of the reasons that Senator Landis wanted all of this language in here about the prudent investor and acting in a fiduciary capacity and that sort of thing, is so that it's clear that this is not just any investment out there. This is a protected investment. You're well aware of fiduciary rules, and whatever we put in place in this Legislature, and you, sir, will be the one, through your knowledge of this, that will be the gatekeeper on that.

SENATOR CHAMBERS: But, Senator Beutler, I'm not going to be here much longer, if term limits will take effect, and I'm sure two years down the road from now would not be too long for interest to wait, when we're talking about the amounts of money involved here. But aside from that, some mutual funds don't do well, and nobody has accused the ones who are investing those

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

funds of not following prudent investor requirements or being imprudent. Sometimes things can occur which an investor, no matter how prudent, can foresee. And stocks or those enterprises or entities to which those stocks are tied, or which will issue the stock, may be going 100 miles an hour, then suddenly fall. Couldn't that happen, so an investment that seemed prudent at the time, did not violate any fiduciary rules, could almost overnight, so to speak, become virtually worthless?

SENATOR BEUTLER: Senator, when you're dealing with common stocks, and if your entire portfolio were common stocks, your portfolio would be much more subject to what you're discussing than if you invested at those things that return only 3 or 4 percent. But this is money that's there for the long term; it's not money that you need on a particular day this year or next year. The important thing is the long-term return on investment, and even during the period of Depression, the long-term investment return on common stock was greater than the return on those limited items, was greater than those...on those

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...limited items such as CDs or securities of the United States that...

SENATOR CHAMBERS: Does this language...

SENATOR BEUTLER: ...are currently allowed to be invested in.

SENATOR CHAMBERS: Just so I can get one more question before it's over, and then if I have time, we'll...I may not have time. Have I spoken three times already?

SENATOR CUDABACK: You have, Senator.

SENATOR CHAMBERS: Okay. But anyway, is there anything in this language which, in and of itself, requires diversification of a portfolio?

SENATOR BEUTLER: Yes, Senator, that's the whole point of Senator Landis' additions of the manner of a prudent investor

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

that shall act with the care, skill, and diligence under the prevailing circumstances, acting as a fiduciary for the exclusive purpose of protecting and benefiting such investment.

SENATOR CHAMBERS: Okay, so if we diversify, there is nothing here which says what percentage ought to be invested in any particular area; is there?

SENATOR BEUTLER: No,...

SENATOR CUDABACK: Time, Senator.

SENATOR BEUTLER: ...and I think that's because, basically, there are standards now set up in all of our different...

SENATOR CHAMBERS: Senator Beutler, the Chair said it's time,...

SENATOR CUDABACK: Time.

SENATOR BEUTLER: Oh.

SENATOR CHAMBERS: ...and I don't think he wants to take on both of us,...

SENATOR CUDABACK: Sorry.

SENATOR CHAMBERS: ...so I will just stop talking.

SENATOR BEUTLER: Okay.

SENATOR CUDABACK: Thank you very much. Senator Louden, germaneness rules.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I don't have any problem with LB 75, and I don't have any problem with the amendments to LB 75, but when we get onto this voting to suspend the germaneness rule of this, I have some fear, the road that it looks like to me that it's taking us down. The problem I have, and I think I agree with what Senator Chambers is trying to bring forth, that some of these investments can be worked over to where the investor has no

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

chance what so all of recovering out of those investments. I think if...some of you should remember, what was it, Northern Natural Gas or whoever they used to be when they were in Omaha, and then the next thing you know they went to Texas, and the next thing you know they were Enron, and there was a whole bunch of people that were still...had some of their pension portfolios into the natural gas corporation, which was a very good investment at the time, lost the whole bundle. And some of you should be old enough around here to remember back in the eighties when some of these counties got to investing in other investments in different places and lost a lot of their funding they had, such as some of their funding they got from estate taxes and that sort of thing. And I can say that the counties where we were, Sheridan County, for instance, would never put any of their money, only in some local CDs, and when the dust all settled, they still had their money, which Senator Chambers mentioned that if you invest money, you would hope that you would at least get your principal back and some interest besides. So I think when you look at this over, what they're going to do when you have school districts, public power districts, and political subdivisions, I think you're starting into something that there's going to be some people that are investing money that probably don't know what they should be doing, or have the authority to pull back out when they can, or it will stuck, and it will be gone. So whenever you do that, this is also money that will be invested probably out of state, where a lot of your governmental subdivisions have to invest their money locally, and that always helps our local banks and our local trading in the area. So I have a problem with this germaneness, because it isn't...whether it's germane or not, I have a problem with the road that it's heading down, it's...where it's taking us. I don't support that. I don't think this is the way to go about putting an amendment into the constitution or bringing it forward. I would like to see it kind of on a stand-alone deal, so it could be...the matter could be debated straight up and down, rather than try and work it in with some other bills. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Loudon. On with discussion. Senator Brown.

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Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75

SENATOR BROWN: Mr. President, members, I was following Senator Beutler's and Senator Chambers' conversation, and I'm going to yield my time in a second to one or the other of them to continue that conversation about a prudent investor and what that would look like. My reason for being supportive of this bill is that it would only offer the opportunity...we would have to put the specifics in enabling legislation so that the restrictions could, if those are necessary, could be set out more explicitly in that legislation. But from the standpoint of maintaining a fund balance, because Senator Chambers talked about what might happen if there was a severe drop in a stock price, I think for a number of individuals and institutions, having bank rates at less than what the rate of inflation is has a similar effect. And so, I would not support this if I did not believe that it was a way to diversify and that you would have some balance, so that if one sector of your investment was not doing as well, another sector might be doing better. But there, in all kinds of investing, there's always a risk, and I would yield my time to Senator Chambers to continue his conversation with Senator Beutler.

SENATOR CUDABACK: Senator Chambers.

SENATOR CHAMBERS: Thank you, Senator Brown. Before I ask Senator Beutler another question, I don't invest. I did one time (laugh), and I invested a small amount, and I will never make that same mistake again. It was one of these big shot investors, just to see what would happen, and it began losing immediately, because the person who accepted it or filled out the papers got a small...I don't know if they call it a commission or what it is. It never came up to the amount that was originally invested. And I read, just for the purpose of entertainment, what happens--in the business section of the newspaper is where I do this reading--what happens when people make investments, and they talk about diversification and how you need to be careful of this and watchful of that. But to me, investing is gambling. It's just like betting on sporting events. But the difference is that with a sporting event, you have a fifty-fifty chance of winning all the time. Your odds are never worse than 50 percent. But they kind of make it interesting when they talk about a point spread, where

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 31, 2006    LB 75, 366, 542A, 548, 588, 693, 764, 765

they...you accept points or give points. But the point that I want to get to, speaking of points, is that this money we're talking about is public money. It's not Bill Gates, it's not Warren Buffett, it is not the MacArthur Foundation or whatever those operations are. It's public money, and the reason this proposal is being offered is to get a bigger return. But by the same token, a set of circumstances could arise where you won't get the return that you're realizing right now. I know a lot of people don't save, but if you do, you can see that you almost would do just as well if you're using...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...any amount of gas to get from your house to where you're going to deposit your money, by putting it in a can and burying it in the backyard and waiting until maybe the return that they give you is going to be halfway decent. And I'm not talking about putting it in CDs or other things, just a straight savings account. If the way that this money is being used in Lincoln now is bringing in money, but not the amount that they need, should the constitution be amended for one city's narrow set of circumstances? And that's what I, as somebody interested in the integrity of the constitution, must look at. It's not that what they're offering is unworthy. It's just that I don't know that the constitution should be used to carve out niches for very small, narrow interests that do not impact the populace as a whole. And I can't see public power districts...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: Oh. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers and Senator Brown. Mr. Clerk, items for the record, please.

CLERK: Thank you, Mr. President. Hearing notice from the Urban Affairs Committee, signed by Senator Friend. Bills read on Final Reading this morning were presented to the Governor at 10:25 a.m. (Re: LB 548, LB 588, LB 693, LB 764, and LB 765.) Enrollment and Review reports LB 366 and LB 542A to Select File.



**TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE**  
**Transcriber's Office**  
**FLOOR DEBATE**

January 31, 2006    LB 770, 958, 1016  
                         LR 287

Your Committee on Transportation, chaired by Senator Baker, reports LB 958 to General File with committee amendments attached. New resolution, LR 287, by Senator Johnson; that will be laid over. Name adds: Senator Dwite Pedersen would like to add his name to LB 1016; Senator Combs to LB 770. (Legislative Journal pages 509-511.)

And I do have a priority motion, Mr. President. Senator Jensen would move to adjourn until Wednesday, February 1, at 9:00 a.m.

SENATOR CUDABACK:    You've heard the motion to adjourn till February 1. All in favor of the motion say aye. Opposed, nay. The ayes have it. We are adjourned.

Proofed by: JAH